IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA	
BOARD OF TRUSTEES OF BOILERMAKERS LODGE NO. 154 COMBINED FUNDS, Plaintiff,))))
riamun,)
v.) Civil Action No. 05-1217
THERMAL COATING SERVICES, METALSPRAY, INC., BOILER THERMAL SERVICES, INC., FRANK EASTERLY,	 Judge Lancaster Magistrate Judge Hay
Defendants.)
ORDER AND NOW, this 22 day of, 2006, after the plaintiff, Board	
of Trustees of Boilermakers Lodge No. 154 Combined Funds, filed an action in the above-	
captioned case, and after a Motion to Dismiss was submitted by the defendants, Thermal Coating	
Services, Metalspray, Inc., Boiler Thermal Services, Inc., and Frank Easterly, and after a Report	
and Recommendation was filed by the United States Magistrate Judge granting the parties ten	
days after being served with a copy to file	written objections thereto, and upon consideration of
the objections filed by defendants and the response thereto filed by the plaintiff, and upon	

independent review of the motion and the record, and upon consideration of the Magistrate

Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the defendants' Motion to Dismiss [Docket No.

8] is DENIED.

GARY L. LANCASTER
United States District Judge

cc: Honorable Amy Reynolds Hay United States Magistrate Judge

> Stephen J. O'Brien, Esquire 71 McMurray Road Suite 205 Pittsburgh, PA 15241

Timothy J. Burdette, Esquire 733 Washington Road Suite 209 Pittsburgh, PA 15228